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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7281 of 2007

PETITIONERS

1. Banshidhar Patel, S/o Shri Nanhu Ram Patel, aged about 51 years, Upper Division Teacher, Government Higher Secondary School, Gorpar, Block – Kharsia, District Raigarh (C.G.)
2. Moti Ram Patel, S/o Shri Hemnarayan Patel, aged about 51 years, Assistant Teacher, Government Primary School, Putidih, Block Dabhara, District Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh,
Through Secretary,
School Education Department,
D.K.S. Bhawan, Raipur (C.G.)

2 The Director,
Public Instruction Department,
Raipur (C.G.)

3. Assistant Commissioner,
Tribal & Welfare Department, Raigarh (C.G.)
4. Block Education Officer,
Kharsia, District Raigarh (C.G.)
5. Block Education Officer,
Dabhara, District Janjgir – Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anil Mourya, Counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal,

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Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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